

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Donald W. Landry
Serial No. : 09/940,727 Examiner: Charles Patterson
Filed : August 28, 2001 Group Art Unit: 1652
For : ANTICOCAINE CATALYTIC ANTIBODY

1185 Avenue of the Americas
New York, NY 10036

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner, The Trustees of Columbia University in the City New York, having a place of business at 116th Street and Broadway, New York, NY, the assignee of record of rights, title and interest in the above-identified application by virtue of an assignment from Donald W. Landry, filed for recordation with the United States Patent and Trademark Office on June 30, 1999, a copy of which is attached hereto as **Exhibit 1**, hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the subject application which would extend beyond the expiration dates of both full statutory terms defined in 35 U.S.C. §154 to §156 and §173 of commonly assigned U.S. Patent Nos. 5,948,658 and 6,280,987. Petitioner hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that such patent and U.S. Patent Nos. 5,948,658 and 6,280,987 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, petitioner does not disclaim the terminal portion of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of either U.S. Patent No. 5,948,658 or 6,280,987 in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily

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disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I certify that I have reviewed the above-identified assignment, a copy of which is attached hereto as Exhibit 1, and that, to the best of my knowledge and belief, The Trustees of Columbia University in the City of New York has the rights, title and interest in the subject application. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of The Trustees of Columbia University in the City of New York, as indicated.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 9/5/03

By:

Michael J. Cleare

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